

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE COMPLAINT

of

SEAQUEL II, INC. as owner of the F/V  
SEAQUEL II FOR EXONERATION FROM  
OR LIMITATION OF LIABILITY,

Petitioner.

**ECF CASE**

11 Civ. 5990 (Spatt, J.) (Wall, M.J.)

**STIPULATION AND ORDER  
TO LIFT ORDER  
RESTRAINING SUITS**

WHEREAS, Petitioner SEAQUEL II, INC. ("SEAQUEL") filed a Complaint with this Court on December 8, 2011 (Docket no. 1), seeking exoneration from or limitation of liability (the "Limitation Action") regarding an action filed by Timothy Lucas in the Supreme Court of the State of New York, County of Suffolk against SEAQUEL, per Index no. number 25792/2011 (the "Lucas State Court Action"); and

WHEREAS, pursuant to SEAQUEL's application, this Court issued an order restraining all suits against SEAQUEL and the vessel, including a stay of all proceedings in the Lucas State Court Action (Docket no. 5 – the "Order Restraining Suits"); and

WHEREAS, the parties thereto have consulted with each other in order to resolve the issues raised herein; and

IT IS HEREBY STIPUATED AND AGREED by the parties through their undersigned attorneys as follows:

1. Timothy Lucas acknowledges the sole jurisdiction of this Court in the Limitation Action to resolve all issues relating to SEAQUEL's right to limit its liability pursuant to 46 U.S.C. §§ 30501, *et seq.* (the "Limitation Act"); and

2. Timothy Lucas agrees not to enter any judgment against SEAQUEL in the Lucas State Court Action in excess of the amount set by this Court in the Order Restraining Suits (Docket no. 5), or in excess of any other amount as may be set by this Court; and

3. Timothy Lucas acknowledges that the issues relating to the Limitation Action shall be resolved only by the within Court pursuant to its jurisdiction under the Limitation Act; and

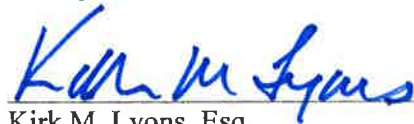
4. The Order Restraining Suits is lifted only to the extent that the Lucas State Court Action will be allowed to proceed independent of the Limitation Action and that the parties will be allowed to pursue discovery in both the Lucas State Court Action and in the Limitation Action, and to try the issues of liability and damages as may exist between them in the Lucas State Court Action, subject always to the provisions of this Stipulation and Order; and

5. Any judgment issued in the Lucas State Court Action will not have any *res judicata* effect on the limitation of liability issues to be decided by this Court pursuant to the Limitation Act; and

6. Timothy Lucas respectfully requests that the Court conduct an independent appraisal of the subject vessel within 30 days from the date herein, and SEAQUEL II, INC. does not oppose this application.

LYONS & FLOOD, LLP  
Attorneys for Petitioner  
SEAQUEL II, INC.

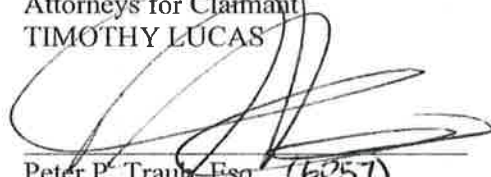
By:



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LAW OFFICES OF PETER P. TRAUB  
Attorneys for Claimant  
TIMOTHY LUCAS

By:



Peter P. Traub, Esq. (6057)  
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(212)966-7442

Dated: Central Islip, New York

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SO ORDERED:

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U.S.D.J.